Decision **2004-088**

Phase 3 Final Proceeding Under Bitumen Conservation Requirements Athabasca Wabiskaw-McMurray

Prehearing Meeting Decision
October 14, 2004

Alberta Energy and Utilities Board

106-03373/

ALBERTA ENERGY AND UTILITIES BOARD
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Athabasca Wabiskaw-McMurray – Prehearing Meeting Decision

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ALBERTA ENERGY AND UTILITIES BOARD
Calgary Alberta

PREHEARING MEETING DECISION
PHASE 3 FINAL PROCEEDING UNDER
BITUMEN CONSERVATION REQUIREMENTS **Decision 2004-088**
ATHABASCA WABISKAW-MCMURRAY **Proceeding No. 1347905**

1 SUMMARY OF DECISION

The Alberta Energy and Utilities Board (EUB/Board) provides the following summary of the directions contained in this prehearing meeting decision report regarding the Phase 3 final hearing under the Bitumen Conservation Requirements.[1] Any inconsistencies between this summary and the directions given in the body of this report shall be resolved in favour of the directions in the body of this report.

- All nonconfidential wells and intervals within the Regional Geological Study (RGS)[2] area or in pools that overlap the RGS area will be eligible to be considered in the final hearing, except for the Wabiskaw-McMurray gas that was shut in by EUB *Decision 2000-22* (the Surmont decision).[3]
- The Board will not conduct any further prehearing processes in respect of this proceeding.
- Parties wishing to contest the production status of an interval or intervals will be in the position of an applicant and will file their material first. Parties opposing the applicant's submission will be in the position of a respondent and will file submissions next. Applicants will have an opportunity to file a reply.
- Parties are free to contest the production status of an interval that is the subject of *Decision 2004-45*[4] or *Decision 2004-62*.[5] The Board does not consider that it would then be conducting a review; rather it will be undertaking a more full examination of the issues relating to the interval(s) in question.
- The Board intends to make final decisions and issue final orders, when appropriate, confirming the production status of every interval within the scope of the Phase 3 Proceedings, including those intervals whose production status is not contested in the final hearing;
- The Board will consider the criteria from EUB *Interim Directive (ID) 99-1*[6] if and when the evidence in the hearing indicates that those criteria are relevant. The Board is not in a

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[1] EUB *General Bulletin (GB) 2003-28: Bitumen Conservation Requirements, Athabasca Wabiskaw-McMurray*, July 22, 2003.
[2] EUB *Report 2003-A: Athabasca Wabiskaw-McMurray Regional Geological Study*, December 31, 2003.
[3] EUB *Decision 2000-22: Gulf Canada Resources Limited, Request for the Shut-in of Associated Gas, Surmont Area*, March 30, 2000.
[4] EUB *Decision 2004-45: Phase 3 Proceedings Under Bitumen Conservation Requirements and Applications for Approval to Produce Gas in the Athabasca Wabiskaw-McMurray Area*, May 31, 2004.
[5] EUB *Decision 2004-62: Review of Wells with Wabiskaw-McMurray Intervals Previously Allowed to Produce Gas by Decision 2003-023, Chard Area and Leismer Field*, July 27, 2004.
[6] EUB *Interim Directive (ID) 99-1: Gas/Bitumen Production in Oil Sands Areas, Application, Notification, and Drilling Requirements*, February 3, 1999.

position at this stage of the proceeding to list the criteria it will apply to make production decisions on particular intervals, because those criteria may be raised as an issue in the final hearing.

- The Board does not intend to impose restrictions on the evidence parties may present in the final hearing beyond requiring parties to observe the Board's normal requirements. Parties are not required to refile submissions or restate evidence or argument placed on the record in previous Phase 3 hearings. That record will be continued into the final hearing.
- Each party that wishes to have the production status of a particular interval or intervals considered in the final hearing must file its declaration listing those intervals and its supporting evidence by February 14, 2005. By February 21, 2005, each party must advise the Board in writing of the date on which it would be prepared to file its response submission and the date on which it believes the hearing should commence.
- The Board believes that an information request process could potentially be useful, and pending its review of the issues raised in the parties' declarations, the Board intends to specify an information request process.
- The Board will be requesting participants to forward to the Board and to the Chipewyan Prairie Dene First Nation (CPDFN) written proposals or recommendations they wish to make regarding the CPDFN's request for a consultation process. The Board will review the material provided and make a decision respecting the issue raised by the CPDFN.

2 BACKGROUND AND PREHEARING MEETING

This proceeding is for the purpose of considering submissions respecting the production of gas in oil sands areas as discussed in *GB 2003-28*, which established a three-phase process for the identification and curtailment of gas production associated with potentially recoverable bitumen. In Phase 1, the Board issued Interim Shut-in Order 03-001 regarding 938 wells, with provisions for temporary exemptions. Gas producers were provided an opportunity to exempt any gas zone for which they possessed evidence that gas production was not associated with potentially recoverable bitumen. Phase 2 allowed an opportunity to challenge exemptions through an expedited review process; however, no challenges were filed with the EUB.

Phase 3 commenced with the issuance of EUB *Report 2003-A*, also referred to as the Regional Geological Study (RGS). On January 26, 2004, an EUB staff submission group (SSG) submitted recommendations to continue or vary the production status of gas zones within wells in the area identified in *GB 2003-28*. The Board considered the SSG recommendations and submissions filed by parties using an expedited hearing process, as discussed in *Decision 2004-045*. This decision was accompanied by an interim order specifying the wells and intervals that were to be shut in and rescinding the Phase 1 Interim Shut-in Order 03-001 and the exemption process related to these wells. The Board also issued Interim Shut-in Order 04-002, specifying wells and intervals that were to be shut in that were not considered in *Decision 2004-045*, as those wells were not in dispute in the interim hearing. The Phase 1 Interim Shut-in Order 03-001 and the related exemption process were also rescinded for these wells.

The Board issued a notice of interim hearing to review the wells with Wabiskaw-McMurray perforated intervals approved for gas production or not required to be shut in under *Decision*

2003-023.[7] The Board subsequently issued *Decision 2004-062*, which was accompanied by Interim Shut-in Order 04-003, specifying the wells and intervals that were to be shut in and rescinding the Phase 1 Interim Shut-in Order 03-001 and related exemption process for those wells.

Phase 3 of *GB 2003-28* also provided for a final hearing to consider the production status of any zones within a well if a party disagreed with a previous Board decision or order. On September 15, 2004, the Board held a prehearing meeting before Acting Board Members C. A. Langlo, P.Geol., and G. D. Williams, Ph.D., P.Geol. Board Member J. D. Dilay, P.Eng., was not able to attend the prehearing meeting but did review the written submissions and the transcripts of the meeting and participated in the Board's decision. The purpose of the prehearing meeting was to hear submissions regarding the scope of the Phase 3 final hearing, the process to be followed, and the issues to be considered at the hearing and to identify parties that might participate in the hearing. The parties that attended the prehearing meeting or made submissions are noted in the appendix.

3 DECISION

Upon the basis of the submissions made to the prehearing meeting, the Board has identified a number of issues regarding the scope, process, and timing for the Phase 3 final hearing. Although the issues addressed in this decision are not intended to be final or exhaustive of all the issues that may arise during the course of the hearing, the Board believes that they are matters that need to be addressed at this time in order to define the scope and procedures for the Phase 3 final hearing.

Having considered the written and oral submissions made to the prehearing meeting, the Board makes the following directions regarding the Phase 3 final hearing under the Bitumen Conservation Requirements.

3.1 Wells and Intervals to Be Considered at the Final Hearing

Views of the Parties

BP Canada Energy Company (BP) and ISH Energy Ltd. (ISH) submitted that the hearing should be limited to finalizing the Board's interim decisions and should not include intervals that were not previously included in the RGS. They acknowledged that it is open to the Board to expand the scope of the hearing beyond finalizing the interim decisions, but noted that the hearing in that case would become more complex and adequate notice would have to be given to all affected parties. Canadian Natural Resources Limited (CNRL) stated that only those wells that were the subject of the previous hearings should be considered, but only to the extent that there is new evidence or a finding by the Board that the previously applied criteria should be varied. CNRL argued that *ID 99-1* wells (i.e., wells for which gas production has not yet been applied for or approved) should be excluded from the hearing. ConocoPhillips Canada Resources Corp. (ConocoPhillips) stated that it understood that Surmont is outside the scope of the hearing.

[7] EUB *Decision 2003-023: Chard Area and Leismer Field, Athabasca Oil Sands Area, Applications for the Production and Shut-in of Gas*, March 18, 2003.

Devon Canada Corporation (Devon) submitted that the hearing should be restricted to wells for which parties objected to the SSG's previous recommendations.

EnCana Corporation (EnCana) submitted that the potential candidates for consideration at the hearing are the 938 wells listed in the attachment to *GB 2003-28* and the 50 wells considered in *Decision 2004-062*. The SSG submitted that all wells/zones for which production status recommendations were made in the SSG's January 26, 2004, submission and March 3, 2004, reply submission should be considered. It stated that, in addition, any wells/zones potentially capable of gas production and not previously reviewed in the RGS should be considered. With respect to these additional wells/zones, the SSG stated that the important point was not so much that their production status be determined, but that the geological and pressure evidence associated with them be available for the hearing. Nexen Canada Ltd. (Nexen) submitted that the purpose of the hearing should be to allow parties to contest the interim decisions made by the Board. Paramount Energy Operating Corp. (Paramount Energy) submitted that the purpose of the hearing should be to consider the recommendations previously put forward by the SSG pursuant to Section 3.3 of *GB 2003-28* and that no further positions should be available to be offered. Petro-Canada's view was that the hearing should deal with all of the wells that were subject to recommendations by the SSG to which objections are made.

Views of the Board and Decision

The Board notes that many of the parties stated that the final hearing should be limited to the wells and intervals for which the SSG had previously made recommendations and in respect of which a party disagreed with the current production status. However, the Board agrees with the SSG that it is desirable to include those nonconfidential wells and intervals that have either been drilled or whose confidential status has expired since the RGS was completed. The Board agrees that including the geological and pressure evidence associated with those wells and intervals will assist the Board in making decisions and believes that it would be more efficient to deal with those wells and intervals in the final hearing.

The Board directs that all nonconfidential wells and intervals within the RGS area or in pools that overlap the RGS area, including the wells considered in *Decision 2003-23*, will be eligible to be considered in the final hearing. The Wabiskaw-McMurray gas that was shut in by *Decision 2000-22* will not, however, be eligible for the final hearing.

3.2 Proposals for a Separate Process Prior to the Hearing

Three parties made submissions that included proposals for a staged hearing, an inquiry, or a similar process that would take place either as part of or prior to the final hearing. CNRL recommended that the final hearing be broken into stages, the first of which would involve a consideration of conceptual issues identified in the prehearing process. Following this stage, the Board would issue its decision relating to criteria that would be applied in a subsequent stage of the process to make pool-specific decisions.

Paramount Energy proposed that the Board initiate a technical inquiry into steam-assisted gravity drainage (SAGD) before the commencement of the final hearing. The inquiry would consider advances in low-pressure SAGD technology and other technical solutions to the gas and bitumen issue that have arisen since *Decision 2000-22* was issued. The product of the technical inquiry

would be a comprehensive written report that addressed a number of technical issues relating to bitumen recovery, SAGD, and alternative technologies.

The SSG proposed that the Board convene a proceeding to review the methods and findings of a recently completed Surmont shut-in study. This would include having the authors of the study make a presentation and answer questions relating to the study's methods and findings. The SSG acknowledged that the study was subject to a two-year confidentiality agreement, but submitted that the Board has dealt with the issue of confidentiality on previous occasions under Section 12 of the EUB's *Rules of Practice*.

Views of the Parties

In general, parties other than the proponents of the processes described above supported the CNRL proposal more than the Paramount Energy or SSG proposals. However, some parties objected to the Board splitting the hearing as CNRL had proposed. Petro-Canada questioned whether the pool-specific issues could be separated from the conceptual issues in the manner indicated by CNRL. Paramount Energy's proposal for a technical inquiry was supported by some parties, but others raised concerns similar to those raised regarding the CNRL proposal. BP stated that it would be more appropriate to schedule Paramount Energy's technical inquiry as a process independent from the hearing. The SSG's proposal for a review of the Surmont shut-in study was opposed in writing by the parties that commissioned the study. The owners of the study indicated that it was a work in progress and not yet ready for review, as proposed by the SSG. Nexen stated that most of the Surmont data used in the study were available in the public domain and that any party wishing to make a case based on those data was free to do so.

Views of the Board and Decision

After considering the three proposals and the related submissions of the parties, the Board has decided not to adopt any of the proposals. The Board is concerned that the conceptual and pool-specific issues may not be as easily separated as the CNRL proposal suggests, and that by splitting the hearing, the Board may prolong the entire process by requiring parties to duplicate their efforts and the evidence in the various stages of the hearing. The same concerns apply to a more limited extent to the Paramount Energy proposal. The Board notes that Paramount Energy and other parties will have an opportunity in the final hearing to submit evidence relating to SAGD and other technologies that is relevant to the issues before the Board. In the case of the SSG proposal, the Board notes that the authors of the Surmont shut-in study have indicated that the study is not yet ready for review and that further work is being done on the study. Accordingly, the Board is not prepared at this time to hold an inquiry into the methods and findings of the Surmont shut-in study.

3.3 Role of Parties in the Proceeding

Views of the Parties

BP stated that submissions should be made by parties that disagree with a previous Board decision, followed by submissions by parties having a contrary view, followed by an opportunity for reply to those contrary views. With respect to the SSG, BP and ISH submitted that to the extent the SSG wishes to participate in the hearing for purposes of challenging or responding to

some other party's disagreement with an interim decision or order made by the Board, the SSG should be treated as any other party. However, to the extent that the SSG might want to adduce some new case that is not related to the above, it should be the applicant.

Initially, CNRL submitted that those parties that bring forward an issue for consideration by the Board should be treated as applicants in CNRL's proposed stage 1 process and those parties that want a change to the production status of a particular pool should be treated as applicants in its proposed stage 2 process. Those parties that are treated as applicants should file their submissions first. CNRL subsequently submitted that it did not think that much turns on who is characterized as the applicant, provided that the parties are treated fairly and all sides of each issue are fully argued. Devon's view was that the SSG is the applicant and should therefore file its submission first, followed by the parties that support the SSG, followed by the parties that oppose the SSG. EnCana submitted that parties should declare the wells and intervals for which they disagreed with the Board's rulings in *Decisions 2004-45* and *2004-62* and should file their supporting evidence together with their declarations. Other parties with contrary views would have an opportunity to file opposing evidence, and this would be followed by an opportunity for the initial disagreeing parties to file reply evidence.

Initially, the SSG submitted that all parties should file their initial evidence simultaneously and that all parties should have an opportunity to submit reply evidence. The SSG subsequently stated that it would be satisfied if parties were required to identify the pools they were going to challenge and provide their supporting evidence, and there was an adequate opportunity for other parties to respond to the challenges. Nexen stated that any party that disagreed with a prior interim decision by the Board should have the obligation to file its submission. In Nexen's opinion, the suggestion that the SSG should be the sole applicant was unworkable.

Paramount Energy stated that the Board is effectively acting as the prosecutor through the SSG, so the process should start with the SSG coming forward with its evidence. Petro-Canada envisaged the SSG as the applicant, so the process would involve an initial filing by the SSG, subsequent filings by interested parties, and a reply process.

Views of the Board and Decision

Any party that wishes to raise an issue with the production status of an interval will be considered to be in the position of an applicant. Those parties will be required to declare the wells and intervals they wish the Board to consider in the final hearing and at the same time to file the evidence in support of their respective positions. Parties wishing to oppose those declarations will be in the position of respondents and will be required to file their evidence next. The parties in the position of applicants will subsequently be given an opportunity to file replies. The Board notes that in this process a party will be in the position of an applicant with respect to all the intervals for which it makes a declaration and will be in the position of a respondent with respect to all declarations it opposes. The filing schedule is addressed in Section 3.7 of this report.

3.4 Review of Interim Decisions and Orders

Views of the Parties

CNRL, Paramount Energy, Petro-Canada, and Devon submitted that the final hearing should not simply be a review of the previous interim decisions, but rather it should be a full hearing that considers all relevant issues. CNRL stated that within *GB 2003-28* the final hearing would be considered an extension of the previous hearings. CNRL also submitted that it would be redundant and inefficient to start over by having the SSG make a new set of recommendations that could be challenged by affected parties. CNRL recommended starting from the current production status that had been determined on the basis of evidence submitted at the interim hearings. Paramount Energy stated that the final hearing was a full hearing, not a review, adding that if it were a review, the interim hearings were not truly interim in nature. Petro-Canada stated that the Board had previously indicated that parties would be afforded a full and final hearing. Devon stated that the final hearing should not be treated as a standard Board review of a prior decision. It stated that the final hearing should be a more full hearing, with none of the time constraints on evidence and process that occurred in the interim hearings.

EnCana, SSG, Nexen, BP, and ISH described the final hearing in terms of a review of the previous interim hearings. EnCana stated that the purpose of the final hearing should be to consider the production status of any well where a party disagrees with a previous decision. The SSG stated that all wells that the SSG made recommendations on, whether contested or not in the previous interim hearings, should be part of the final hearing, provided that an interested party objects to the current production status. The SSG also stated that any wells or zones not contested in the final hearing should have their current production status confirmed by a final order without further process. Nexen stated that if a party disagrees with an interim decision, that party should come forward and say why it disagrees with the Board's decision. BP and ISH stated that the Board should be open to reviewing and revisiting prior orders to the extent that material new evidence may exist that could cause the Board to revise a previous decision.

Views of the Board and Decision

Consistent with the Board's decision to allow parties to raise an issue relating to any well or interval within the RGS study area or in a pool that overlaps the RGS study area, excluding the Surmont wells, the Board will consider issues relating to those intervals that are the subject of *Decision 2004-45*, *Decision 2004-62*, or Interim Shut-in Order 04-002. In doing so, the Board does not believe it is undertaking a review of such decisions or order; rather the Board is conducting a more full examination of the issues relating to the production status of those wells and intervals than previously undertaken.

Because the final hearing will be the last component of the Phase 3 Proceedings, the Board intends to make final decisions and issue final orders, when appropriate, confirming the production status of every interval within the scope of the Phase 3 Proceedings. This includes any intervals for which no declaration is made that specifically puts the production status of that interval in issue in the final hearing. For that reason, the declarations to be filed by each party must clearly indicate the intervals the party wishes the Board to consider in the final hearing.

3.5 Applicability of *ID 99-1*

Views of the Parties

Paramount Energy submitted that the Board needs to state whether it intends to continue with *ID 99-1* or some modification or variation of that directive and that it is critical that the Board inform parties of its intentions in that regard well in advance of the hearing itself. Paramount Energy further stated that *ID 99-1* is a legal requirement relating to gas production in the oil sands area, which must govern the Board's decisions in these proceedings.

Devon submitted that the Board should confirm whether it considers itself bound by *ID 99-1* and whether issues for the final hearing will be decided in accordance with *ID 99-1*. Petro-Canada and the SSG stated that *ID 99-1* did not specifically apply to the Phase 3 process, which was a Board-initiated process to review gas production and not a process to consider applications for gas production. The SSG also stated that *ID 99-1* is a guide for applications for production, not a document issued by the Board that sets out criteria for production, and certainly not for shut-in. The SSG stated that the Board has further refined its criteria with respect to bitumen conservation issues in related Board decisions. On the question of whether the Board should review *ID 99-1* criteria, some parties indicated there was no need to do so, while others stated that a review would be appropriate if a party raised one or more of the *ID 99-1* criteria as an issue in the proceeding.

Views of the Board and Decision

The Board recognizes that parties have conflicting views on the applicability of *ID 99-1* criteria to the production decisions facing the Board in this proceeding. Parties are free to pursue this issue in the final hearing; and otherwise the Board will consider criteria from *ID 99-1* if and when the evidence in the hearing indicates that those criteria are relevant. The Board is therefore not in a position at this stage to list the criteria it will apply to make production decisions on particular intervals. Each party is entitled to raise issues concerning appropriate criteria, and other parties will be given a full opportunity to respond. In the course of the hearing the evidence on appropriate criteria will be presented and tested, and the Board will make its decisions accordingly.

3.6 Evidence in the Hearing

Views of the Parties

Nexen stated that submissions to the proceeding should be based on material new evidence. The SSG stated that the Board should consider only new evidence regarding generic policy issues that were considered by the Board in previous decisions; however, the SSG also stated that the Board should consider allocating reasonable amounts of hearing time to parties that wished to address these issues without raising new evidence. Other parties indicated that the Board should not restrict evidence in the proceeding to new evidence. Petro-Canada stated that it would be at least inappropriate and perhaps dangerous for the Board to restrict the evidence parties could adduce.

Views of the Board and Decision

The Board will not impose restrictions on the evidence parties may present in the final hearing beyond requiring parties to observe the Board's normal requirements, including that the evidence must be relevant to the issues before the Board and that parties must observe the requirements contained in the EUB's *Rules of Practice*. However, in the interests of a more efficient proceeding, the Board expects that each party will take the Board's previous decisions and the Board's views contained in those decisions into account when deciding the issues and the evidence it wishes to raise in the proceeding.

The final hearing is the last component of the Phase 3 Proceeding. The body of evidence that currently exists in the Phase 3 Proceeding will be supplemented by the submissions, oral evidence, and argument in the final hearing. Parties are therefore not required to refile submissions or restate evidence or argument previously placed on the Phase 3 record: that record will be continued into the final hearing.

3.7 Hearing Schedule

Views of the Parties

In oral presentation, all of the participants at the prehearing meeting that stated views agreed that the final hearing should not be expedited. In its written submission, ISH stated that it would encourage the Board to move forward with the timing of the final hearing expeditiously.

EnCana's position was that evidence should be filed in the fall of 2004, with a hearing date in late 2004 or early 2005. The SSG stated that, assuming no prehearing proceeding as it had proposed, the earliest it could file its initial evidence is March 15, 2005. BP/ISH indicated that the SSG's timing was inordinate and unreasonable. Nexen stated that the hearing should take place before the end of 2005. Paramount Energy indicated that submissions for its proposed technical inquiry should be filed on October 26, 2004, with the inquiry starting January 5, 2005. Petro-Canada stated that the SSG should file its material by mid-December 2004 or early January 2005, with replies to be filed within one month following and the hearing to start in March or April 2005.

Views of the Board and Decision

The Board agrees with the participants that the final hearing should not be expedited, thus allowing a full consideration of all the issues raised in the hearing.

The Board directs each party that wishes the have the production status of a particular interval or intervals considered in the final hearing to file with the Board a declaration listing those intervals. That declaration and a submission containing the party's evidence supporting its position shall be filed with the Board and served on the SSG and any party that may be directly affected by the Board's decision on the declaration not later than February 14, 2005. The Board also directs each party intending to participate in the final hearing to advise the Board in writing not later than February 21, 2005, of the date on which it would be prepared to file its response submission and the date on which the final hearing should commence. The Board will consider

all the proposals and issue further directions on the filing of response submissions and the schedule for the final hearing.

3.8 Information Request Process

Views of the Parties

BP and ISH stated that whether an information request process should be used depends on the nature of the issues that are raised. In their view, an information request process would not be needed if the hearing is limited to disputes over previous Board decisions, but may be necessary if the hearing is expanded to other issues. Devon stated that the Board should, if it wishes, provide an information request process. EnCana and Petro-Canada stated that an information request process could be useful, and Petro-Canada added that the Board should not now preclude such a process. CNRL, Nexen, and Paramount Energy were in favour of having an information request process.

The SSG did not see value in having an information request process in this type of proceeding.

Views of the Board and Decision

The Board believes that an information request process could potentially be useful, and pending its review of the issues raised in the parties' declarations, the Board intends to specify an information request process.

3.9 Chipewyan Prairie Dene First Nation (CPDFN) Submissions

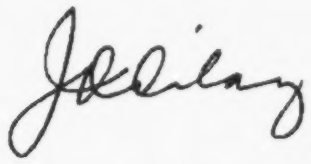
The CPDFN made submissions regarding impacts on its traditional lands from the operations of natural gas producers. The CPDFN stated that the existence of shut-in wells and related infrastructure, such as pipelines, buildings, and access roads, affected or had the potential to affect the CPDFN's way of life. It stated that the CPDFN would like to engage the gas companies in a consultation process, but currently no such process was in place with the majority of the companies that had gas production shut in as a result of the Bitumen Conservation Requirements. It provided a copy of its Standards of Consultation and asked that a process be initiated to engage the gas producers in consultation with the CPDFN.

Views of the Board

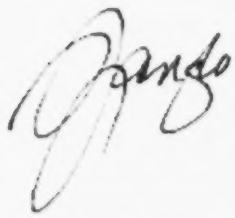
The Board recognizes that while the CPDFN's concerns do not go to the heart of the matters in this proceeding, the impacts that concern its members appear to result at least in part from the Board's decisions regarding gas production in the Athabasca oil sands area. It also appears from the CPDFN submissions that the CPDFN and oil and gas producers operating in this area may not have developed a mechanism for the sharing of information and concerns. The Board does not, however, have sufficient information from oil and gas producers to determine what initiative should be taken to address the CPDFN's concerns. The Board therefore will be requesting participants to forward to the Board and to the CPDFN written proposals or recommendations they wish to make regarding the CPDFN's request for a consultation process. The Board will review the material provided and make a decision respecting the issue raised by the CPDFN.

Dated in Calgary, Alberta, on October 14, 2004.

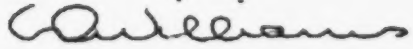
ALBERTA ENERGY AND UTILITIES BOARD



J. D. Dilay, P.Eng.
Presiding Member



C. A. Langlo, P.Geol.
Acting Board Member



G. D. Williams, Ph.D., P.Geol.
Acting Board Member

APPENDIX 1 THOSE THAT APPEARED AT OR MADE SUBMISSIONS TO THE PREHEARING MEETING

Principals and Representatives
(Abbreviations used in report)

BP Canada Energy Company (BP)
A. L. McLarty, Q.C.

Canadian Natural Resources Limited (CNRL)
P. J. McGovern

Chipewyan Prairie Dene First Nation (CPDFN)
Chief W. Janvier
B. Kennedy

ConocoPhillips Canada Resources Corp. (ConocoPhillips)
R. Block

Devon Canada Corporation (Devon)
S. M. Munro

EnCana Corporation (EnCana)
D. G. Davies

EUB Staff Submission Group (SSG)
D. A. Larder

Husky Oil Operations Limited (Husky)
D. Todesco

ISH Energy Ltd. (ISH)
A. L. McLarty, Q.C.

Nexen Canada Ltd. (Nexen)
R. Block
S. E. Young

Paramount Energy Operating Corp. (Paramount Energy)
L. M. Sali, Q.C.

Paramount Resources (Paramount Resources)
G. Bunio

APPENDIX 1 THOSE THAT APPEARED AT OR MADE SUBMISSIONS TO THE PREHEARING MEETING (continued)

Principals and Representatives
(Abbreviations used in report)

Petro-Canada
W. T. Corbett, Q.C.
R. Jacobs

PrimeWest Energy Inc. (PrimeWest)
(written submission only)

Stylus Exploration Inc. (Stylus)
D. W. Rowbotham

EUB staff
G. D. Perkins (Board counsel)
G. W. Dilay, P.Eng.
E. E. Smith, P.Eng.
K. Bieber, P.Geol.
R. Happy, P.Geol.